

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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| In re Terrorist Attacks on September 11, 2001 | 03-md-1570 (GBD)(SN) ECF Case |
| This document relates to: <i>Gaston, et al. v. The Islamic Republic of Iran</i> | 18-cv-12337 (GBD)(SN) ECF Case |

**ATTORNEY DECLARATION IN SUPPORT OF MOTION FOR
ENTRY OF PARTIAL FINAL DEFAULT JUDGMENT**

Robert Keith Morgan, Esq., hereby states under penalty of perjury, as follows:

1. I am an attorney in The Miller Firm, LLC representing Plaintiffs Beatrice Gaston, Frances Gaston, Maria Gaston, and Ariel Martinez (collectively “Plaintiffs” or “*Gaston Plaintiffs*”) in the above-captioned matter. I submit this Declaration in support of the motion for default judgment on behalf of the Plaintiffs identified in Exhibit A, attached hereto, from the action titled *Gaston, et al. v. The Islamic Republic of Iran*, 18-cv-12337(GBD)(SN). The form of this motion and the relief requested herein are intended to comply with the following orders of this Court:

- a. The Court’s Order dated January 24, 2017 (ECF 3435), requiring that “[a]ll further motions for final judgment against any defaulting defendant shall be accompanied by a sworn declaration attesting that the attorney has (1) complied with the due diligence safeguards [referenced in Section II.D of the January 23, 2017 letter from the Plaintiff’s Executive committee, (ECF 3433) and (2) personally verified that no relief has previously been awarded to any plaintiff included in the judgment (or, if relief has been awarded, the nature of the relief).”¹
- b. The Court’s Order dated October 14, 2016 (3362) related to the cases captioned as *Bauer v. al Qaeda Islamic Army*, 02-cv-7236 (GBD)(SN) and *Ashton v. al Qaeda Islamic Army*, 02-cv-6977 (GBD)(SN).

¹ Unless indicated differently, citations to ECF Nos. are to the docket in *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD)(SN).

2. Service of process on the Islamic Republic of Iran in this matter was effectuated through diplomatic channels pursuant to 28 U.S.C. §1608(a)(4) on December 18, 2019 (18-cv-12337, ECF No. 51) and the Certificate of Default was entered November 13, 2023 (18-cv-12337 ECF No. 92).

3. The sources of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the Plaintiffs identified in Exhibit A in connection with the terrorist attacks of September 11, 2001, other court records relating to the *In re Terrorist Attacks of September 11, 2001* multidistrict litigation to which the *Gaston* Plaintiffs are parties, my communications with other counsel representing other plaintiffs in the *In re Terrorist Attacks of September 11, 2001* multidistrict litigation, our firm's communication and that of our co-counsel, Miller DellaFera PLC, directly with Beatrice Gaston and other family members of Betsy Martinez, and official records provided by claimants. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

4. The Miller Firm has been retained by the Plaintiffs to pursue recovery for their damages arising out of the death of Betsy Martinez on September 11, 2001, including solatium damages suffered by each immediate family member of Betsy Martinez.

5. The plaintiffs do not have any other motions requesting judgments pending against the Iranian defendants and, after reviewing records available to me regarding other judgments entered by this Court, I have not identified any relief that has been previously awarded to the plaintiffs against these defendants.

6. Betsy Martinez was an accounts manager at Cantor Fitzgerald who was working in

One World Trade Center on September 11, 2001. Betsy Martinez was killed in the September 11th terrorist attacks. She was 33 years old.

7. Beatrice Gaston is a citizen of the United States and is a sibling of Betsy Martinez, an individual who died in the September 11th attacks. Beatrice Gaston's relationship to Betsy Martinez has been personally verified by attorneys and paralegals in my office and the office of our co-counsel, Miller DellaFera PLC, that have obtained written documentation and/or conducted interviews confirming the nature of her relationship to Betsy Martinez.

8. As a sibling of Betsy Martinez, Beatrice Gaston satisfies the framework established by this Court and sufficiently shows that she is eligible for solatium damages.

9. Frances Gaston is a citizen of the United States and is a sibling of Betsy Martinez, an individual who died in the September 11th attacks. Frances Gaston's relationship to Betsy Martinez has been personally verified by attorneys and paralegals in my office and the office of our co-counsel, Miller DellaFera PLC, that have obtained written documentation and/or conducted interviews confirming the nature of her relationship to Betsy Martinez.

10. As a sibling of Betsy Martinez, Frances Gaston satisfies the framework established by this Court and sufficiently shows that she is eligible for solatium damages.

11. Maria Gaston is a citizen of the United States and is a sibling of Betsy Martinez, an individual who died in the September 11th attacks. Maria Gaston's relationship to Betsy Martinez has been personally verified by attorneys and paralegals in my office and the office of our co-counsel, Miller DellaFera PLC, that have obtained written documentation and/or conducted interviews confirming the nature of her relationship to Betsy Martinez.

12. As a sibling of Betsy Martinez, Maria Gaston satisfies the framework established by this Court and sufficiently shows that she is eligible for solatium damages.

13. Ariel Martinez is a citizen of the United States and is the child of Betsy Martinez, an individual who died in the September 11th attacks. Ariel Martinez's relationship to Betsy Martinez has been personally verified by attorneys and paralegals in my office and the office of our co-counsel, Miller DellaFera PLC, that have obtained written documentation and/or conducted interviews confirming the nature of her relationship to Betsy Martinez.

14. As the child of Betsy Martinez, Ariel Martinez satisfies the framework established by this Court and sufficiently shows that she is eligible for solatium damages.

15. Before filing this motion, I have (1) complied with the due diligence safeguards referenced in Section II.D of the January 23, 2017 letter from the PEC (ECF 3433) and (2) personally verified that, based on the PEC's review of the records available to it regarding other judgments entered by this Court against the Iranian defendants, no relief has previously been awarded to any of the plaintiffs included in the judgment.

16. Accordingly, a proposed Order of Partial Final Judgment for the Plaintiffs identified in Exhibit A, conforming to the Court's previous orders, is being filed contemporaneously with this Declaration.

Dated: July 30, 2024

/s/ Robert Keith Morgan

Robert Keith Morgan

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